

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MINGHUI JIANG,
Plaintiff,

v.

TRACTOR SUPPLY COMPANY,
Defendant.

Case No. 24-cv-09279 NC

**ORDER TO DEFENDANT TO
SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED
BACK TO STATE COURT FOR
LACK OF FEDERAL SUBJECT
MATTER JURISDICTION**

Re: ECF 1

Defendant Tractor Supply Company removed this civil case to this court from Santa Clara County Superior Court on December 20, 2024. ECF 1. This Order requires the Defendant to “show cause” by filing a written response by January 6, 2025, explaining why the case should not be remanded back to Superior Court due to a lack of federal subject matter jurisdiction.

The federal courts are courts of “limited jurisdiction” and only have jurisdiction as authorized by the Constitution and Congress. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). The party seeking to invoke federal court jurisdiction has the burden of establishing that federal subject matter jurisdiction exists. *Scott v. Breeland*, 792

1 F.2d 925, 927 (9th Cir. 1986). The Court must presume a lack of jurisdiction until the
2 party asserting jurisdiction establishes otherwise. *Id.* Doubts as to removability are
3 resolved in favor of remanding the case back to state court. *Gaus v. Miles, Inc.*, 980 F.2d
4 564, 566 (9th Cir. 1992).

5 Here, Tractor Supply Company asserts that removal is based on diversity
6 jurisdiction. 28 U.S.C. § 1332. But Tractor Supply provides incomplete or insufficient
7 information to support diversity jurisdiction. In paragraph 5 of the removal notice it states
8 it is a “limited liability company.” But “for the purposes of diversity . . . an LLC is a
9 citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia*
10 *Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Without information on the
11 citizenship of Tractor Supply Company’s owners/members, this Court cannot assess
12 whether complete diversity exists.

13 Accordingly, Tractor Supply Company must show in writing by January 6, 2025,
14 how diversity jurisdiction is satisfied. Plaintiff Jiang has no burden but may respond by
15 January 13, 2025, if desired.

16 **IT IS SO ORDERED.**

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18 Dated: December 23, 2024

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NATHANAEL M. COUSINS
United States Magistrate Judge